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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/033,909	03/03/1998	YUZO KIKUCHI	KIKUCHI=2	2662

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EXAMINER

WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/033,909

Applicant(s)

KIKUCHI, YUZO

Examiner

Alexis Wachtel

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 53-59, 61-67 and 70-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-59, 61-67 and 70-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Detail d Action***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 53-59, 61-67 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,286,007 to Oellerking in view of US 1,871,570 to Weber.

Oellerking discloses a fabric comprising a welding portion and a fixing portion. The welding portion comprises a weldable plastic material. The fabric may also comprise a fixing portion, (i.e., a non-coated portion). Since a fabric necessarily comprises fibers and since the weldable material comprises warp fibers and since the weldable material comprises a thermoplastic coating on a fabric, Oellerking inherently teaches that the welding portion comprises warp fibers which are coated with a thermoplastic material (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15). Oellerking's welding fabric, also referenced as a patch has applications besides sheet repair. In particular, the patch can be used for any other sheet to which it can be welded (Col 3, lines 15-21).

Oellerking as set forth above fails to teach applying the welding portion so that it is in the middle of the fixing portion, so that the two welding portions are attached to the middle of said fixing portion, so that two welding portions are branched from one edge of said fixing portions. However, since Oellerking does teach that weldable coating is applied to facilitate bonding the fabric to a substrate, it would have been obvious to one

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of ordinary skill in the art at the time the invention was made to have applied the weldable coating to the fabric in the pattern which would have most facilitated the bonding of the fabric to a substrate (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15).

Oellerking also differs from the claimed invention because Oellerking does not teach incorporating auxiliary fixing means into the fixing portion (i.e, the non-coated portion) of the welding fabric disposed as holes or a loop strap. Weber is directed to tarpaulin structures and teaches the concept that tarpaulins can use patches provided with tie loops anchoring means. Said tie loop anchoring means are provided at the edge of the tarpaulin to receive a rope or other means for securing the tarpaulin over the object to be covered. Said anchoring means are provided as tie loops at spaced intervals on said tarpaulin (pp.1, Col 1, lines 29-52). Said tie loop anchoring means are anchored to the tarpaulin by patches that help distribute the pull exerted by each tie loop. The patch and tie loops are adhered to the tarpaulin by adhesive (pp.2, Col 2, lines 15-49). Examiner notes that the ties loops and patch become a unified structure on attachment to the tarpaulin. Oellerking has clearly enabled the welding patch to be used for applications other than tarp repair, and since it is known to provide holes or provide looped straps of fabrics which are used with tarpaulins or covers so that the fabrics can be tied to whatever the fabric is covering, it would have been obvious to have similarly incorporated means for tying or otherwise securing the welded material to whatever the welded material was going to cover, especially if the patch was going to be welded to the fabric in an area which already comprised such holes and/or straps, since the patch would otherwise cover the holes and/or straps. In particular, it would

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have been obvious for one of ordinary skill to have used Oellerking's welding patch provided with an integral tie loop structure or a strap with a hole bored in to it to be welded to a tarpaulin. One of ordinary skill would have been motivated by the desire to provide said tarpaulin with an anchoring means whereby said tarpaulin could be anchored to other structures such as buildings, columns, stakes fences, etc. Examiner notes that the integral loop structure or strap with a holed bored into it reads on both fixing portion and auxiliary fixing means.

3. Claims 53-59,61-67 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,871,570 to Weber in view of US 4,286,77 to Oellerking.

Weber is directed to tarpaulin structures and teaches the concept that tarpaulins can use patches provided with tie loops anchoring means. Said tie loop anchoring means are provided at the edge of the tarpaulin to receive a rope or other means for securing the tarpaulin over the object to be covered. Said anchoring means are provided as tie loops at spaced intervals on said tarpaulin (pp.1, Col 1, lines 29-52). Said tie loop anchoring means are anchored to the tarpaulin by patches that help distribute the pull exerted by each tie loop. The patch and tie loops are adhered to the tarpaulin by adhesive (pp.2, Col 2, lines 15-49). Examiner notes that the ties loops and patch become a unified structure on attachment to the tarpaulin. Examiner notes that it is well known to use such a patch structure affixed to a tarp as a means by which to anchor a tarpaulin to other structures such as buildings, columns, stakes fences, etc. Examiner notes that the integral loop structure or strap with a holed bored into it reads on both fixing portion and auxiliary fixing means.

Weber fails to teach that the patch is attached to a tarp by incorporating a woven fabric structure having meltable thermoplastic threads into the patch so that the need for a separate adhesive is eliminated. Oellerking discloses a fabric comprising a welding portion and a fixing portion. The welding portion comprises a weldable plastic material. The fabric may also comprise a fixing portion, (i.e., a non-coated portion). Since a fabric necessarily comprises fibers and since the weldable material comprises warp fibers and since the weldable material comprises a thermoplastic coating on a fabric, Oellerking inherently teaches that the welding portion comprises warp fibers which are coated with a thermoplastic material (Fig. 1, Col 2, lines 38-55, Col 3, lines 3-15). Oellerking's welding fabric is also referenced as a patch (Col 3, lines 15-21). Since the thermoplastic material coated fabric in Oellerking's patch functions as an integral bonding mechanism, it would have been obvious for one of ordinary skill to have incorporated the welding fabric disclosed by Oellerking into Weber's structure motivated by the desire to improve the application efficiency of the Weber's patch.

Weber and Oellerking as set forth above fails to teach applying the welding portion so that it is in the middle of the fixing portion, so that the two welding portions are attached to the middle of said fixing portion, so that two welding portions are branched from one edge of said fixing portions. However, since both references teach that a weldable coating is applied to facilitate bonding the fabric to a substrate, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the weldable coating to the fabric in the pattern which would have most facilitated the bonding of the fabric to a substrate.

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**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 10:30am to 6:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Terrel Morris, can be reached at (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
ELIZABETH M. COLE  
PRIMARY EXAMINER